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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,305	06/12/2001	Toshiya Kanazawa	35.C15627	3029
5514	7590	12/29/2005	EXAMINER POON, KING Y	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ART UNIT 2624	PAPER NUMBER

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/878,305	Applicant(s) KANAZAWA, TOSHIYA	
	Examiner King Y. Poon	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 0205 and 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,13,15,21,27 and 43-56 is/are pending in the application.
- 4a) Of the above claim(s) 43-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,13,15,21 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 43-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/11/2005.

2. Applicant's election with traverse of the restriction requirement in the reply filed on 10/11/2005 is acknowledged. The traversal is on the ground(s) that they do not require separate fields of search. This is not found persuasive because no claims are generic as indicated in the reply filed on 10/11/2005. Applicant does not admit that the distinct inventions are obvious variants. Therefore, all three inventions have different limitations that are not presented in others. Accordingly, sending queries for search with the limitations of one invention would not come up with the best prior art for the other inventions, because the limitations of the other inventions are not being used in the queries, and vice versa.

The requirement is still deemed proper and is therefore made FINAL.

3. This application contains claims 43-56 drawn to an invention nonelected with traverse in Paper filed on 10/11/2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 13, 15, 21, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al (US 6,453,127) in view of Colbert et al (US 5,699,494).

Regarding claim 1, 15: Wood teaches an image processing apparatus (30, 15, fig. 1) having a Web server (32, fig. 2) that can be accessed by external apparatuses (11, fig. 2), and having at least one of a printing function and a scanning function (column 3, lines 30-45), said image processing apparatus comprising: an execution unit adapted to execute a print job or a scan job (the software controlling the print and scan operation, column 3, lines 30-45) an output control unit adapted to control a display unit (the program that controls the display of computer 30, column 4, lines 1-8) to display data; a storage unit (the storage that stores the user interface software, column 3, lines 1-10) adapted to store client display data for causing a browser provided in a Web client to form an input column for a character message (for example, scan, reprint etc. message formed with characters, fig. 4); a transmission unit (the unit that send data of, for example, 17, 18, of fig. 2) adapted to transmit (column 3, lines 1-10) to an external apparatus that serves as a Web client (11, fig. 1) the client display data (fig. 4) stored in said storage unit for use in a client display screen in which a character message (for example, scan, reprint etc. message formed with characters, fig. 4) to be displayed is

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input; and a reception unit (the unit that received data from the client, column 6) adapted to receive message data based on a character message input by the Web client via the client display screen displayed on the basis of said the client display data transmitted by said transmission unit.

Although Wood teaches the display can be access both by the client of the image processing apparatus, (column 4, lines 1-4, column 6, lines 30-35) and that the display of the client is similar to the display of the image processing apparatus; Wood does not specifically discussed wherein said output control unit causes the display unit to display a message formed based on the message data received by said reception unit, when said execution unit is in a standby state.

Colbert, in the same area of displaying similar message on the user interface of a client computer and an image processing apparatus (fig. 1) teaches output control unit causes the display unit to display a message formed based on the message data received by said reception unit, when an execution unit is in a standby state (column 10, lines 45-55, column 6, lines 55-60; Colbert teaches the message is displayed in all state which includes the standby state).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Wood to include: output control unit causes the display unit to display a message formed based on the message data received by said reception unit, when said execution unit is in a standby state.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Wood by the teaching of Colbert because it

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would have allowed printer status, configuration and condition information presented on the display of the printer to be instantaneously available at any host served by the printer and vice versa as taught by Colbert, column 3, lines 16-20; and would have made it possible to control printer settings using the normal data stream emanating from a host as taught by Colbert at column 3, lines 39-36.

Regarding claims 7, 21: Wood teaches wherein said the display unit has different display areas including a first display area (e.g., image quality fig. 4) and a second display area (paper, fig. 4) and wherein said transmission unit transmits the client display data stored in said storage unit to the Web client for causing the browser provided in the Web client (column 5, lines 2-25) to form respective different input columns for character messages corresponding to the first and second display areas (fig. 4).

Regarding claims 13, 27: Wood wherein said transmission means unit transmits the client display data including the message formed based on the message data received said reception unit (see discussion of claim 1), to an another external apparatus (11", fig. 1) that serves as another Web client and wherein the client display data transmitted to the another Web client is read by a browser provided in the another Web client.

Response to Arguments/Remarks

6. Applicant's arguments with respect to claims 1, 7, 13, 15, 21, 27 have been considered but are moot in view of the new ground(s) of rejection. Please see detailed office action.

Applicant, in the response to election of species requirement filed on 10/11/2005, elects species I to be examined and indicates that claims 43-49, 54, 55 read on the elected species-the species disclosed in page 7, line 2, and page 26, lines 17-22, specification. The examiner has conducted a search for the invention disclosed in page 7, line 2, and page 26, lines 17-22. Colbert and Wood (see office action) are found to be the closest prior art to the invention represented by claims 1, 7, 13, 15, 21, and 27. Upon further examination, Colbert and Wood cannot be used to reject claims 43-49, 54 and 55. It is also discovered that the patentability of claims 43-49, 54, 55 cannot be determined without conducting a different queries for the limitations of "image processing apparatus receiving data from one web client terminal and the image processing apparatus process the received data and to transmit information, to another web client, required to cause the another web client to not display message information or to display message information." Such queries is required for species I and not for species II and III as presented in the office action (election/restrictions) dated 9/8/2005. Therefore, claims 43-49, 54, 55 are withdrawn from consideration. See MPEP 808.02 (C).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 27, 2005


KING Y. POON
PRIMARY EXAMINER